



COMMONWEALTH of VIRGINIA

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES


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COMMISSIONER

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Memorandum

To: CSB Executive Directors

From: James S. Reinhard, M.D. 

Date: May 15, 2008

Re: **Reform Guidance Memo #1: Community Planning for Implementation of New Mental Health Laws**

Background: As you know, Governor Kaine recently signed into law a set of important mental health-related bills which go into effect on July 1, 2008. Most prominent among these new laws are the significant changes in the process by which persons with mental illness may be treated on an involuntary basis, but major changes will also go into effect in other important areas of law related to our work. Governor Kaine and the General Assembly also added approximately \$42 million in new appropriations for services in the FY 09-10 biennium, much of which is related to these legislative initiatives. A complete summary of these legislative and budget initiatives is attached for your reference.

Issue: The new statutes will require major changes in the way we and our partner agencies respond to and manage mental health emergencies in our communities, including the emergency custody, temporary detention and involuntary admission process and related procedures. This memorandum provides initial guidance and direction to community services boards regarding community planning for implementation of the changes embodied in the new laws going into effect July 1.

Guidance: The new laws significantly change a variety of statutory standards and procedures, and there are numerous new requirements that are not in current law. These changes will require extensive revision of current operational structures and methods, as well as new approaches to communicating and coordinating between the key players in this process. Effective implementation of these new laws will require an extraordinary degree of proactive planning and collaboration among several local community partners.

Because community services boards and behavioral health authorities, by statute, play a central role in planning and delivering emergency and crisis response services in each locality, and because involuntary treatment is fundamentally a treatment intervention, I am asking that you personally take the lead in convening the key leaders in your communities, including court officials, law enforcement agencies, jail administrators, local hospitals and emergency departments, consumer and family representatives, state hospitals and any others, to develop the specific operational procedures that will enable you to implement the new laws as intended in your communities.

Due to the important role that courts play in the community response to mental health emergencies, I urge you to first reach out to the Chief Judges of the Circuit Court(s) and the Chief Judges or resident judges of the General District Courts(s) in your area to develop an active relationship and ongoing partnership in this endeavor with the courts. I also ask that you to meet with your community partners on a regular basis to review the effectiveness of your new procedures as put into practice, to refine these procedures as needed, and to resolve issues as they arise.

Consistent with the above, the Department is working closely with the Supreme Court of Virginia, the Office of the Attorney General, the Virginia Association of Community Services Boards, the Virginia Hospital and Healthcare Association, and a variety of provider and advocacy organizations to address the many state-level issues associated with implementation of these reforms.

This memo is the first in a series of “Reform Guidance Memos” related to these new initiatives. In addition, by the end of May, DMHMRSAS will be launching a special page on our web-site that will contain these memos as well as “frequently asked questions” and other resources that we hope will prove useful as you implement these changes.

Conclusion: I recognize that the task before us is complex and challenging and that it will take time to fully implement these changes. Nevertheless, the citizens of Virginia expect to see these new procedures working effectively in their communities and your leadership is essential to the success of this initiative. I appreciate your hard work and commitment to meeting the needs of Virginia’s citizens with mental illness. Thank you.

c: The Honorable Marilyn B. Tavenner
 The Honorable Chief Justice Leroy Hassell
 The Honorable Robert McDonnell
 Mary Ann Bergeron
 State Facility Directors
 Betty Long
 Scott Johnson
 Brian Parrish
 Mira Signer